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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/002,656	10/31/2001	David A. Griego	42390P12269	2432

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EXAMINER

CHEA, PHILIP J

ART UNIT PAPER NUMBER

2153

DATE MAILED: 01/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/002,656

Applicant(s)

GRIEGO, DAVID A.

Examiner

Philip J Chea

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 October 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 1/29/02.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Claims 1-30 have been examined.

Information Disclosure Statement

1. The information disclosure statement (IDS) submitted on 1/29/02 was filed after the mailing date on 2/20/02. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 3, 12, 18 and 25 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. Claim 3 says that the header information is obtained using the header descriptors, while claim 2 from which it depends says the header information comprises header descriptors. It is unclear how the header information is obtained using something it comprises of.

5. Claim 12 recites the limitation "the header descriptors" in line 2. There is insufficient antecedent basis for this limitation in the claim.

6. As per claim 18, the step of obtaining header information from local I/O memory using the data descriptors is unclear. If data descriptors are about data from a host, how is header information obtained from local I/O memory using the same data descriptors. Does the applicant mean for claim 18 to say "The article of manufacture as in claim 17, wherein instructions for receiving a message comprising header information includes further instructions for obtaining header information from local I/O memory using **the header descriptors**"? Examiner considers "the data descriptors" of claim 18 to be "the header descriptors".

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7. Claim 25 recites the limitation "the header descriptors" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 1, 10, 16 and 23 are rejected under 35 U.S.C. 102(b) as being anticipated by Aditya et al. (US 5,892,925).

As per claims 1, 10, 16 and 23, Aditya et al. disclose a system, as claimed, comprising:

- a bus [claim 23] (see Fig. 1 [16]);
- an I/O processor communicatively coupled with the bus, and an I/O module [claim 10] (see column 1, lines 42-48, where processor is considered the bus master network controller);
- a network interface card (NIC) communicatively coupled with the processor said NIC to
 - receive a message, the message comprising header information and data descriptors about data that is transmitted with the header information (see column 2, lines 61-67, where data descriptors are considered the data pointers to actual data);
 - obtain the data from a host, said host remotely disposed on the bus with respect to the NIC (see columns 7 and 8, lines 66-67 and 1-4);
 - insert the data in the message (see column 8, lines 5-10, where data location and size to be transmitted implies data is carried with the message); and
 - send the message toward its destination (see column 8, lines 34-36 and column 5, lines 57-64).

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As per claims 4,13,19 and 26, Aditya et al. further disclose that the data descriptors define at least the type of data, the amount of data, and the location of the data in the message (see column 3, lines 2-20).

As per claims 5 and 27, Aditya et al. further disclose obtaining the data from the host comprises using the data descriptors to obtain the data from a host that is remotely disposed with the I/O processor via a bus (see columns 7 and 8, lines 66-67 and 1-4).

As per claims 7,15,21, and 29, Aditya et al. further disclose obtaining data from the host via a direct memory access (DMA) cycle (see columns 7 and 8, lines 66-67 and 1-10, where a DMA cycle is considered the array passed over the bus in burst mode).

As per claims 8 and 22, Aditya et al. further disclose that the message is received by a network interface card (see column 2, lines 61-67 for the network interface card).

As per claims 12,25, Aditya et al. further disclose that the header information, is obtained from local I/O memory (see column 2, lines 38-65).

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 2,3,11,17, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aditya et al. as applied to claims 1,10, and 16 above, and further in view of Fishler et al. (US 5,790,807).

As per claims 2,11,17, and 24, although the system disclosed by Aditya et al. shows substantial features of the claimed invention (discussed above), it fails to disclose header information comprising header descriptors for a transmission control protocol/internet protocol (TCP/IP) header.

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Nonetheless, these features are well known in the art and would have been an obvious modification of the system disclosed by Aditya et al., as evidenced by Fishler et al.

In an analogous art, Fishler et al. disclose header information comprising header descriptors for a TCP/IP header (see column 9, lines 5-39).

Given the teaching of Fishler et al., a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Aditya et al. by employing header descriptors, such as disclosed by Fishler et al., in order to reduce the amount of disk accesses (see Fishler et al. columns 9 and 10, lines 56-67 and 1-5).

As per claims 3 and 18, Aditya et al. in view of Fishler et al. further disclose that the header information is obtained from local I/O memory using the header descriptors (see Fishler et al. column 9, lines 40-53).

12. Claims 6, 14, 20, 28, and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aditya et al. as applied to claims 5, 10, 16, and 27 above, and further in view of Tadman et al. (US 5,983,266).

As per claims 6 and 28, Although the system disclosed by Aditya et al. shows substantial features of the claimed invention (discussed above), it fails to disclose that the bus is one of a peripheral component interconnect (PCI) bus, an EISA bus and a PCIX bus.

Nonetheless, these features are well known in the art and would have been an obvious modification of the system disclosed by Aditya et al., as evidenced by Tadman et al.

In an analogous art, Tadman et al. disclose a least a PCI bus (see column 6, lines 20-44).

Given the teaching of Tadman et al., a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Aditya et al. by employing a PCI bus, such as disclosed by Tadman et al., in order to use a PCI compliant expansion card such as a NIC or soundcard.

As per claims 14 and 20, although the system disclosed by Aditya et al. shows a NIC receiving data from a host that is remotely disposed with the I/O processor via a bus (see columns 7 and 8, lines

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66-67 and 1-4), it fails to disclose at least one of a peripheral component interconnect (PCI) bus, an EISA bus and a PCIX bus.

Nonetheless, these features are well known in the art and would have been an obvious modification of the system disclosed by Aditya et al., as evidenced by Tadman et al.

In an analogous art, Tadman et al. disclose a least a PCI bus (see column 6, lines 20-44).

Given the teaching of Tadman et al., a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Aditya et al. by employing a PCI bus, such as disclosed by Tadman et al., in order to use a PCI compliant expansion card such as a NIC or soundcard.

As per claim 30, although the system disclosed by Aditya et al. shows substantial features of the claimed invention (discussed above), it fails to disclose receiving data via a PCI to PCI bridge.

Nonetheless, these features are well known in the art and would have been an obvious modification of the system disclosed by Aditya et al., as evidenced by Tadman et al.

In an analogous art, Tadman et al. disclose receiving data via a PCI to PCI bridge (see column 6, lines 20-25 and Fig. 2, where PCI bridge [22] and [24] connects host main memory [14]).

Given the teaching of Tadman et al., a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Aditya et al. by employing a PCI to PCI bridge, such as disclosed by Tadman et al., in order to allow devices to communicate along the system bus.

Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Poisner; David I.	US 5890012 A
Garrett; Henry Michael et al.	US 6049842 A
Fuller; John Nels et al.	US 6708233 B1

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip J Chea whose telephone number is 571-272-3951. The examiner can normally be reached on M-F 7:00-4:30 (1st Friday Off).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Burgess can be reached on 571-272-3949. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Philip J Chea
Examiner
Art Unit 2153

PJC 1/13/05



Dung C. Dinh
Primary Examiner